

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KENNETH MCCREARY,	)	
	)	2:15cv1634
Petitioner,	)	Electronic Filing
	)	Judge David Stewart Cercone
v.	)	Chief Magistrate Judge Maureen P. Kelly
	)	
COMMONWEALTH OF PENNSYLVANIA	)	
BOARD OF PROBATION & PAROLE,	)	
ROBERT GILMORE, and ATTORNEY	)	
GENERAL OF PENNSYLVANIA,	)	
	)	
Respondents.	)	

*7<sup>th</sup>* **MEMORANDUM ORDER**

AND NOW, this 12 day of July, 2017, after petitioner Kenneth McCreary filed a petition for writ of habeas corpus in the above-captioned matter, and after a Report and Recommendation was filed by Chief United States Magistrate Judge Maureen P. Kelly giving the parties until June 26, 2017, to file written objections thereto, and no Objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that the sole remaining claim in the petition for writ of habeas corpus, ECF No. 1, is DISMISSED AS MOOT. The Clerk of Court shall mark this CASE CLOSED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as

provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

*DS Cercone*

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David Stewart Cercone  
United States District Judge

cc: Honorable Maureen P. Kelly  
Chief United States Magistrate Judge

Kenneth McCreary  
HH-0428  
SCI Greene  
175 Progress Drive  
Waynesburg, PA 15370  
(*Via First Class Mail*)

John C. Manning, Esquire  
(*Via CM/ECF Electronic Mail*)